

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOCKET NO: 04-11517 WGY

CLAIRE GAGNE,
Plaintiff,

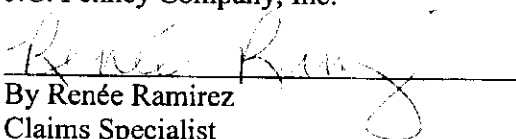
v.

J.C. PENNEY COMPANY, INC.,
Defendant.

**CERTIFICATION OF
DEFENDANT J.C. PENNEY
COMPANY, INC., PURSUANT
TO LOCAL RULE 16.1(D)(3)**

Pursuant to Rule 16.1 of the Local Rules of the United States District Court for the District of Massachusetts, the defendant, J.C. Penney Company, Inc., certifies that it and its counsel, have conferred: (a) with a view to establishing a budget for the costs of conducting the full course—and various alternative courses—of the litigation and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

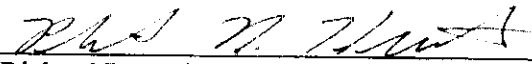
J.C. Penney Company, Inc.


By Renée Ramirez

Claims Specialist

Legal Department, J.C. Penney Company, Inc.

By its attorneys,


Richard R. Eurich, BBO #156600

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CERTIFICATE OF SERVICE

I, Philip M. Hirshberg, do hereby certify that I have, this date, served the foregoing document, by First Class Mail, postage prepaid, to Eldon D. Goodhue, Esq., Law Offices of Eldon D. Goodhue, P.C., 458 Newburyport Turnpike, Suite 3, Topsfield, MA 01983.

Dated: October 20, 2004


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